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QM02/0914

EXAMINER

WELDON, K

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 09/14/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

08928664 091297

# Office Action Summary

Application No.

928664

Applicant(s)

Nuber &amp; d

Examiner

K Weldon

Group Art Unit

3752

☒ Responsive to communication(s) filed on

9/12/97

☐ This action is FINAL.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.☒ Claim(s) 1-17 is/are rejected.☐ Claim(s) \_\_\_\_\_ is/are objected to.☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3752

1. Claims 1-17 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The following examples are illustrative of the unclear and confusing language found in the claims. In claim 1 line 1 the word "relates" is considered to be indefinite. Is it a covering device or not?

In claim 1 line 3 the phrase "the outer panel", in line 5 "the released position" lack proper antecedent basis.

The word "preferably" in claim 3 line 8, claim 5 line 3 and 4, claim 6 line 2 and throughout the claims is considered to be indefinite.

The claims have been examined as best understood by the examiner.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3752

3. Claims 1-6, 10 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epple in view of Nullet.

The Epple patent discloses a windshield spraying nozzle that is adjacent a headlamp. The spray nozzle is extendable/retractable and includes a cover (column 4 lines 1-10) for sealing the nozzle opening to protect the sprayer from clogging (column 1 lines 24-35). Epple has two guides 1' and 2' for positioning the sprayer. The claimed invention is distinguishable from Epple by its recitation of a hinged door which fits securely in the opening of the vehicles outer cover.

The Nullet patent discloses a pop up sprinkler that is extendable/retractable and has a hinged cover 7 that protects a pop-up sprinkler head as well-known in the art. It is deemed to have been obvious to one of ordinary skill in the art to substitute a hinged cover as taught by Nullet for the integral cover/nozzle housing in Epple to permit the nozzle to be retracted deeper into the interior of the car to prevent possible freezing.

4. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epple in view of Nullet as applied to claims 1 and 6 above, and further in view of Costa.

It is deemed to have been obvious to one of ordinary skill in the art to incorporate a spring as taught by Costa et al at 20 to ensure that the cap in Epple as modified is closed shut upon retraction of the windshield nozzle.

5. Claims 7-9 and 17 are would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit:

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Camier et al and Pollock are cited for their retractable nozzles. Strawn and Culbertson are cited for their covers.

7. This application is informal in the arrangement of the specification. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

### Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

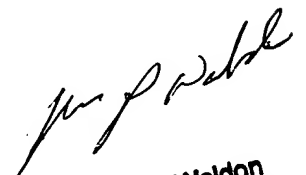
- (a) Title of the Invention.
  - (b) Cross-References to Related Applications.
  - © Statement Regarding Federally Sponsored Research or Development.
  - (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
  - (e) Background of the Invention.
    1. Field of the Invention.
    2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (f) Brief Summary of the Invention.
  - (g) Brief Description of the Several Views of the Drawing(s).
  - (h) Detailed Description of the Invention.
  - (i) Claim or Claims (commencing on a separate sheet).
  - (j) Abstract of the Disclosure (commencing on a separate sheet).
  - (k) Drawings.
  - (l) Sequence Listing (see 37 CFR 1.821-1.825).
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Weldon whose telephone number is (703) 308-1117. The examiner can normally be reached on Tues-Fridays from 7 am to 6 pm.

Art Unit:

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137. The fax phone number for this Group is (703) 308-7764.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0861.

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Kevin Weldon  
Primary Examiner